

## Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02 H-02

INR-07 INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-02

OES-05 OMB-01 PA-02 PM-03 PRS-01 SP-02 SS-15 USIA-15

OIC-02 AF-06 ARA-10 EA-10 EUR-12 NEA-09 /183 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC 1699

UNCLAS GENEVA 2150

FROM USDEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I WORKING GROUP SECOND MEETING 20 MARCH

1. IN COMMITTEE WORKING GROUP MEETING CHAIRED BY PINTO (SRI LANKA), DELEGATIONS CONSIDERED SUBJECT 11, QTE SELECTION OF ENTITIES, UNQTE OF CP/WORKING PAPER NO. 2 OF 18 MARCH 1975, QTE PROPOSALS REGARDING CONDITIONS OF EXPLORATION AND EXPLOITATION. UNQTE. DEBATE CENTERED ON TWO APPROACHES, FIRST-COME FIRST-SERVED AND SELECTION BY AUTHORITY ON COMPETITIVE BASIS, LATTER INCLUDING CRITERIA TAKING INTO ACCOUNT NEED FOR DIRECT PARTICIPATION OF LDC'S AND BENEFIT OF MANKIND.

2. US (RATINER) STATED NEED FOR BASIC CONDITIONS BOTH TO PROVIDE GUIDANCE IN FORMULATION OF RULES AND REGULATIONS AND TO CIRCUMSCRIBE AUTHORITY'S DISCRETION. MORE DETAILED PROVISIONS WERE ALSO NEEDED IN ORDER TO PERMIT MINING  
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OPERATIONS TO BEGIN AS SOON AS AUTHORITY WAS ESTABLISHED.

ON SELECTION OF ENTITIES, HE STRESSED NEED FOR NONDIS-CRIMINATION AMONG QUALIFIED SOVEREIGN STATES AND ARGUED THAT RIGHT OF AUTHORITY TO SELECT AMONG QUALIFIED STATES WOULD DENY THOSE STATES ACCESS TO RESOURCES. IN RESPONSE TO PERU REP'S STATEMENT THAT AUTHORITY SHOULD HAVE RIGHT TO NEGOTIATE WITH QUALIFIED APPLICANTS IN ORDER TO GET BEST DEAL, HE PROPOSED THAT BASIC CONDITIONS AND TREATY WOULD REQUIRE FAIR RETURN TO AUTHORITY SO THAT ALL QUALIFIED APPLICANTS WOULD BE OFFERING BEST DEAL.

3. SINGAPORE, AFTER AFFIRMING SUPPORT FOR GROUP OF 77 DRAFT, STATED SOLITARY APPLICANT SHOULD AUTOMATICALLY BE ACCORDED RIGHT TO MINE, BUT WITH MORE THAN ONE APPLICANT, COMPETITIVE SELECTION SYSTEM BASED ON OBJECTIVE CRITERIA, WITH PARTICULAR REFERENCE TO LANDLOCKED STATES AND LDC'S SHOULD BE USED. BRAZIL EMPHASIZED THAT SINGLE APPLICANT SHOULD NOT AUTOMATICALLY BE ACCORDED RIGHT TO MINE IF ITS ACTIVITIES WOULD NOT MEET INTERESTS OF ALL MANKIND. THAILAND AND ZAMBIA ALSO REJECTED FIRST-COME FIRST-SERVED BASIS OF SELECTION AS UNACCEPTABLE AND IMPRACTICABLE.

4. DISCUSSION OF KINDS OF OBJECTIVE CRITERIA THAT MIGHT BE USED IN SELECTION INCLUDED JAMAICA'S PROPOSING AMOUNT OF TECHNOLOGY TRANSFER AND FINANCIAL PAYMENTS INTENDED BY APPLICANT. ALSO UK PROPOSED OBJECTIVE CRITERIA FOR SELECTION IN CASE OF COMPETITION BASED ON PRESENTATION OF DATA, PROGRAM OF WORK, FINANCIAL AND TECHNICAL COMPETENCE AND WORK REQUIREMENTS OFFERED.

5. EXCHANGE BETWEEN US (RATINER) AND PERU ON WHETHER AUTHORITY SHOULD HAVE RIGHT TO DECIDE AREAS TO BE OPENED FOR EXPLOITATION INCLUDED US STATEMENT THAT, PARTICULARLY IN EARLY YEARS, AUTHORITY WOULD NOT HAVE SUFFICIENT KNOWLEDGE TO SELECT MOST ECONOMIC AREAS FOR EXPLOITATION AND THAT MOST COUNTRIES USED SYSTEM WHEREBY EXPLORER DESIGNATED AREA HE WISHED TO EXPLOIT. PERU COUNTERED BY EXPLAINING THAT IN HIS VIEW AUTHORITY SHOULD BE EMPOWERED TO DECIDE WHICH PART OF DEEP SEABED TO OPEN, BASED ON UNCLASSIFIED

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INTEREST EXPRESSED BY OPERATORS (SIMILAR TO US OCS PROCEDURE).

6. THAILAND EXPRESSED VIEW THAT LDC'S MIGHT FEEL MORE WILLING TO COMPROMISE ON BASIC CONDITIONS, IF AMENDMENT PROCEDURE FOR THEM WOULD BE MORE RELAXED THAN FOR TREATY.

7. IN CLOSING, PINTO STATED NEED TO HAVE BASIC CONDITIONS

IN TREATY TO ENABLE AUTHORITY TO FUNCTION STATISFACTORILY  
IN ENETERING ARRANGEMENTS WITH PARTICULAR ENTITIES, AND  
INDICATED DIVERGENCE OF VIEWS WITHOUT ATTEMPTING TO  
SUMMARIZE THEM IN DETAIL. PINTO INDICATED NEED TO PROCEED  
MORE QUICKLY AND TO REACH AGREEMENT IN SMALL OPEN-ENDED  
INFORMAL WORKING GROUPS. DALE

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